IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3679 OF 2007

Narhardeo Khatav Vikas Sanstha Ltd ...Petitioner

Versus

Niyojit Shree Hanuman Vividh Karyakari Seva Society Ltd & Ors. ...Respondents

Shri Umesh Mankapure for the Petitioner.
Shri D.V.Sutar i/by Manoj Patil for the Respondent No.1.
Ms Mhaispurkar, A.G.P for the Respondent Nos.4 and 5.

CORAM : ABHAY S.OKA, J.
DATED : JUNE 07, 2007.

P.C.:

1. Heard Advocate appearing for the Petitioner, Advocate for the Respondent No.1 and learned A.G.P for the fourth and fifth Respondents. The first Respondent is the only contesting party.

2. The Petitioner herein preferred Appeal No.84 of 2006 before the Divisional Joint Registrar of Co-operative Societies, Kolhapur Division, Kolhapur for challenging the order dated 11th December, 2006 passed by the Assistant Registrar of Co-operative Societies by which an order was passed directing the registration of the first Respondent Society consisting of 206 members. The said order of the Assistant Registrar is subject

matter of challenge in the Appeal before the Divisional Joint Registrar. By order dated 21st December, 2006 the Divisional Joint Registrar directed that the stay application made in Appeal by the Petitioner should be heard alongwith the main Appeal and the main Appeal was fixed for hearing on 25th January, 2007. Being aggrieved by the said order, a revision Application was filed by the Petitioner before the State Government. In the revision Application, ad-interim order was passed by which operation of the order dated 11th December, 2006 passed by the Assistant Registrar was stayed. By the order impugned dated 20th April, 2007 the ad-interim order passed in favour of the Petitioner was vacated and the revision Application was dismissed.

3. I have heard the learned Advocates appearing for the contesting parties. Considering the nature of the controversy, no purpose will be served by keeping the Petition pending. The order dated 21st December, 2006 discloses that the Divisional Joint Registrar directed stay application to be heard alongwith the Appeal as the Appeal was fixed for hearing on 24th January, 2007. The Appeal is not heard till today and now it is kept on 16th June, 2007 for hearing. Thus, the Appeal could not

be heard for a period of six months from 21st December, 2006. The order of stay granted by the State Government was operating till 20th April, 2007 which has been extended by ad-interim order passed by this Court. For protecting interests of all contesting parties, Writ Petition can be disposed of by directing expeditious disposal of Appeal No.84 of 2006. Ad-interim relief granted by this Court can be ordered to be continued till the disposal of the Appeal and for a period of 15 days thereafter in case the order in Appeal is adverse to the Petitioner.

4. Hence, Writ Petition is disposed of by passing following order:

(i) The Divisional Joint Registrar of Co-operative Societies, Kolhapur Division, Kolhapur will finally decide the Appeal No.84 of 2006 on or before 31st July, 2007.

(ii) Till the disposal of the Appeal, the order of stay dated 27th December, 2006 passed by the State Government (Exhibit 'F' hereto) in revision Application preferred by the Petitioner

will continue to operate.

(iii) In case the final order in Appeal is adverse to the Petitioner, the order of stay dated 27th December, 2006 will continue to operate for a period of 15 days from the date on which communication of the order is received by the Petitioner.

(iv) It is made clear that all contentions of the parties in pending Appeal are expressly kept open.

(v) The Appeal will be decided by the Appellate Authority without being influenced by the grant of ad-interim relief by this Court.

(vi) Writ Petition is disposed of in above terms.

(vii) Parties and the concerned authorities to act upon an authenticated copy of this order.

JUDGE